

## APPENDIX



UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 2008-1192

(Serial No. 10/049,792)

IN RE HIRONORI AOKI

Appeal from the United States Patent and Trademark Office, Board of Patent  
Appeals and Interferences

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**UNOPPOSED MOTION FOR DISMISSAL OF APPEAL**

HIRONORI AOKI, appellant, moves this Court to dismiss the appeal taken  
in this case by means of the notice of appeal filed by appellant on January 23, 2008  
with prejudice

The appeal in this action was docketed in this Court on February 11, 2008.

Prior to presenting this motion to the Court, counsel for appellant telephoned  
counsel for appellee, Thomas L. Stoll, on March 28, 2008 and informed him that  
appellant would seek dismissal of the present appeal. Counsel for appellant also  
emailed Mr. Stoll on April 1, 2008 to confirm that counsel for appellee had no  
objections to this motion for dismissal.

Counsel for appellee does not object to this motion for dismissal, and therefore it is believed that no response in opposition to the motion will be filed.

The parties' agreement regarding the costs on appeal is that each party will bear its own costs.

This motion is filed along with a Certificate of Interest.

For the foregoing reasons, appellant respectfully submits that this motion for dismissal with prejudice should be granted.

Respectfully submitted,

Date: 2 Apr 1 2008

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I certify that I filed an original and three copies of this UNOPPOSED MOTION  
FOR DISMISSAL OF APPEAL with the Clerk of the U.S. Court of Appeals for  
the Federal Circuit and served two copies on counsel of record at the address  
shown below, this 2 day of April 2008 by United States Postal  
Service First Class Mail:

Stephen Walsh, Esq.  
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P.O. Box 15667  
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PROPOSED ORDER OF THE CLERK

Pursuant to the attached Motion, the appeal in this action is dismissed with prejudice. Pursuant to the agreement set out in this Motion, each party will bear its own costs.

Date: \_\_\_\_\_

Jan Horbaly, Clerk  
U.S. Court of Appeals for the  
Federal Circuit

cc:

Office of the Solicitor, U.S. Patent and Trademark Office  
Stephen Walsh  
Keith R. Obert